

IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA)
)
v.) CR NO. 1:07cr87-SRW
)
RANDY M. KEIPER)

ORDER

This cause is currently pending before the court on a Motion to Continue filed by the government. The motion requests that this case be reset from the trial currently set for November 5, 2007 to the trial term beginning January 14, 2008.

While the granting of a continuance is left to the sound discretion of the trial judge, United States v. Warren, 772 F.2d 827, 838 (11th Cir. 1985), the court is, of course, limited by the requirements of the Speedy Trial Act, 18 U.S.C. § 3161. The Speedy Trial Act provides generally that the trial of a defendant in a criminal case shall commence within 70 days of the latter of the filing date of the indictment or the date the defendant appeared before a judicial officer in such matter. 18 U.S.C. § 3161(c)(1). See United States v. Vasser, 916 F.2d 624 (11th Cir. 1990).

The Act excludes from this 70 day period any continuance that the judge grants "on the basis of his findings that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial." 18 U.S.C. § 3161(h)(8)(A). The court concludes that, based on counsel's representation that she is unavailable for trial

as scheduled, that the case should be continued in the ends of justice. Accordingly, it is hereby

ORDERED that the Motion to Continue is GRANTED. This case is reset on the trial term commencing January 14, 2008.

A pretrial telephone conference call is scheduled for 4:00 p.m. on January 9, 2008. Counsel for the government is DIRECTED to set up the telephone conference call.

DONE, this 29th day of October, 2007.

/s/ Susan Russ Walker
SUSAN RUSS WALKER
UNITED STATES MAGISTRATE JUDGE